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TAGS: [PGOV](#) [PTER](#) [SA](#)
SUBJECT: SAUDI TERROR TRIALS A "WIN" AGAINST TERRORISM AND
EXTREMIST IDEOLOGY

REF: A. RIYADH 1568
[1](#)B. RIYADH 1867

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Classified By: Charge d'Affaires Ambassador Richard Erdman
for reasons 1.4 (b) and (d)

SUMMARY

[1](#)1. (C) On June 8, Saudi Arabia,s special criminal court convicted 330 terror suspects in 179 cases on charges of involvement with Al-Qaeda and "posing a threat to national security." Sentences imposed by the court ranged from house arrest and travel bans to financial penalties and prison terms, and could include as many as 20 death sentences. Details of individual cases are not publicly available. The SAG conducted the trials behind closed doors under Shari,a law, and questions remain regarding the fairness and transparency of the proceedings, and the adequacy of legal representation for the defendants. According to Saudi interlocutors, the slow and deliberate pace of prosecution was by design and now that the SAG has been assured a "win," in the first round, future trials could see an increase in media involvement and improved legal representation for defendants. END SUMMARY.

TERROR TRIAL VERDICTS

[1](#)2. (C) On June 8, a specialized criminal court issued verdicts in Saudi Arabia,s first known terror trials for accused Al-Qaeda militants, and although no details have been released about individual cases, media reports state that 330 terror suspects were found guilty in 179 cases. Charges against the defendants included: affiliation with Al-Qaeda,s terrorist network, participation in its activities, contact with foreign parties attempting to undermine Saudi Arabia,s national security, supporting and financing terrorism, and defying King Abdullah,s order against joining Islamic insurgencies in countries like Iraq and Somalia. Punishments announced by the court ranged from house arrest and travel bans to financial penalties, prison time and death. Media reports said some defendants were acquitted. Although Ministry of Justice (MOJ) officials publicly announced only one death sentence verdict, Dr. Nasser Shaharini (PROTECT), a public prosecutor with the Board of Investigation and Public Prosecution at the Ministry of Interior (MOI) told Emboff approximately 20 defendants were under "consideration" for receiving the death penalty. Ministry officials claim that all those found guilty will be able to appeal their verdicts and will have access to legal representation.

A MATTER OF RESOURCES

13. (C) Government officials claim the slow pace of the trials was intentional, but institutional constraints also caused delays. The Saudi government initially announced plans to try 991 terror suspects in October, 2008 (Ref A). Subsequent reports indicated an additional 1200 terror suspects would be tried. These numbers were unclear, as explained by Deputy Interior Minister Mohamed bin Nayef (Ref B), but the reports correctly noted that many suspects await trial. The government originally assigned only ten judges to the trials, a small number given the long queue of suspects. However, Maj. Gen. Mansour al-Turki, spokesperson for the MOI, recently disclosed plans to increase the number of judges to twelve. Saudi Arabia has fewer than 800 judges, too few to handle its clogged courts under normal circumstances, and pulling more judges from the general courts for the terror trials is likely to exacerbate the regular court backlog. The Ministry also had to construct new court facilities to handle trials of this size and sensitivity. Minister of Justice Mohamed al-Issa acknowledged these issues in comments published by Al-Watan newspaper March 23. Al-Issa defended the independence and neutrality of the court, and blamed the lengthy trials and delays on "a lack of human resources."

JUDICIAL SELECTION?

14. (S/NF) An Embassy contact explained the selection process for the terror trial judges. First, the Ministry of Justice

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identified potential judges and sent a list to the Supreme Judicial Council (SJC), which evaluated and endorsed or rejected the judges. The SJC then sent the list to the Ministry of Interior (MOI) which selected the most favorable candidates from the perspective of prosecution, with final approval resting with the King. Once running this bureaucratic gauntlet, judges were notified of their selection and accepted or declined the assignment.

NOT A TRIAL AS WE UNDERSTAND IT

15. (S/NF) Although the trials took place in specially created courts, they appear to have followed Saudi Arabia's normal court process, under which, a judge reviews a case's document file and considers evidence in his office as opposed to presiding over courtroom sessions. The defendant appears only to present his defense. As a result, much of the trial is actually a judge's independent review of an evidentiary file. Embassy sources indicated the MOI sought credible prosecutions under Shari'a law of the most violent, unrepentant defendants, to build public confidence in the trials as well as alleviate MOI's own distrust of the judiciary (Ref A).

A RIGHT TO REPRESENTATION?

16. (C) Saudi law provides defendants a right to "seek the assistance of a lawyer or representative...during the investigation and trial stages." However, the law does not provide for court-appointed counsel for defendants who cannot afford or otherwise find a lawyer, and it is unclear whether all the terror defendants were actually represented during their trials. In fact, the accused in the Saudi legal system often have difficulty finding representation because attorneys fear being associated with the misdeeds of their

client.

¶7. (C) One Embassy legal contact said defendants have a difficult time finding legal counsel in Saudi Arabia because of the social stigma that comes with defending them. The Saudi Gazette reported March 25 that a legal organization, the Lawyer's Committee, had refused to represent terror suspects. The article stated that the organization declined 1 million riyals (US \$267,000) to represent one suspect. "I will never defend a terror suspect," said one attorney interviewed for the story. "Terror suspects are carefully and meticulously investigated and it is hard for a lawyer to find a way out for the terrorists," he added. "Terror suspects do not actually need lawyers because they are justly tried in the Kingdom."

¶8. (SBU) Senior government officials have been quick to announce the right of the accused to legal representation on appeal, but it is not yet clear whether this means the government will ensure all appealing defendants are represented.

ARE THE TRIALS FAIR AND DOES IT MATTER?

¶9. (SBU) Government officials such as Dr. Bandar bin Mohammed al-Eiban, Chief of the Saudi Human Rights Commission, lauded the Saudi justice system in adhering to international agreements and treaties. However, as recently as April 10 a petition was sent to the King by a group of activists demanding that basic human rights be granted to the 991 terror suspects. Some Saudi human rights activists have criticized the lack of transparency in the trials and accused the government of engineering the results, but these complaints have had no resonance with the Saudi public.

COMMENT

¶10. (S/NF) The fanfare with which the government announced the verdicts, combined with Dr. Nasser's comment that the SAG plans to "make a big deal" of the terror trial verdicts, indicate the SAG views the convictions as a huge win in its struggle against terrorism and extremist ideology. The government's goal, throughout the lengthy and deliberate pace of prosecution, was to ensure the proceedings and verdicts

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were airtight from a Shari'a perspective, to avoid any deviation that could allow extremists to criticize the verdicts, and to demonstrate that the actions for which the defendants were convicted were indeed "deviant." The trials did not measure up to U.S. standards of due process, but Shari'a compliance was far more important to the Saudis than satisfying Western expectations. The MOJ and MOI initially debated whether the trials should be open to the public, but up until the verdicts were announced, no media had been involved and all proceedings occurred behind closed doors (Ref A). Now that it has established a successful process, however, the government appears to be seeking media coverage of the terror trials and is willing to affirm publicly that it will respect the rights of defendants.

ERDMAN